

Being Part of the Solution

Originally posted in the New York Law Journal.

The ability to serve the legal needs of poor and nearly poor New Yorkers remains, despite enormous effort, short of the mark. For the second year in a row, the Task Force to Expand Access to Civil Legal Services reports that public interest organizations, facing diminishing IOLA and Legal Services Corporation funds, are at best able to serve only 20 percent of the New Yorkers who turn to them for help. That means that eight of every 10 impoverished New Yorkers in need of legal guidance are left to navigate on their own bureaucracies governing foreclosures, Medicaid, Supplemental Security Income, Veterans benefits, consumer debt, immigration and on and on. The burden on the courts is crushing. Chief Judge Jonathan Lippman has made the delivery of civil legal services a signature issue of his administration, managing to allocate funds in the 2012 judiciary budget to award modest grants to service providers to shore up sagging government funding. To increase human resources, he has proposed requiring that every applicant for admission to the New York bar contribute 50 hours of pro bono. In the face of the mounting crisis, New York law firms predictably have been extremely generous, devoting record amounts of time and resources. And the state's bar groups and service providers have been steadfast in calling attention to the overwhelming need, and nimble in organizing scores of attorneys to handle a range of projects, from staffing clinics to handling individual SSI cases to supervising class action litigation.

There is no question these efforts make a huge difference in the lives of individuals, families and communities. But in this relentlessly tough economy, the poor are slipping further down the economic ladder and even once solidly middle class families, facing stubborn unemployment, rising medical bills and foreclosures, are losing economic ground. For more and more New Yorkers, paying legal bills out of the monthly budget is not an option.

But there is good news, and you will find it in the profiles of the New York Law Journal

's second annual Lawyers Who Lead by Example. We asked the legal community to nominate their colleagues who demonstrate a sustained commitment to improving the lives of poor or nearly poor New Yorkers. We received about 70 nominations, all of them worthy.

Our 14 honorees for 2012 are truly part of the solution, demonstrating the highest level of commitment to their profession and their communities, tapping their training, business acumen, creativity and humanity to solve legal problems for those in need.

This year the Law Journal expanded the range of categories. Our 2012 honorees include one law firm; eight private attorneys; an in-house lawyer; three public interest attorneys who reached beyond the borders of their programs to bring attention and resources to the cause, and a law school clinic.

All honorees stood out for a number of reasons, among them:

A heightened sensitivity to the legal and non-legal needs of their clients: Alla Kazakina of New York Legal Assistance Group said an immigrant victim of domestic abuse "needs an order of

protection, needs to stay in a shelter to be safe, needs public benefits to have something to eat, needs to have a custody case resolved to be with her children"; Angela Vicari of Kaye Scholer who has spearheaded a seven-year litigation on behalf of farm workers is credited with developing a strategy that accommodates the firm's clients who were abused by their employers, do not speak English, are poor and transient.

A multi-year commitment to finding time for pro bono beyond the 10-to-12-billable-hour day: The New York office of Shearman & Sterling maintains an "all-in" approach to pro bono and focuses on working with agencies to identify the unmet need, asking, "How do we fill the gap?"; Jamie Levitt, head of the litigation department at Morrison & Foerster, has led the firm's pro bono committee, contributing hundreds of hours on her own and sits on numerous boards on the theory, "You have to stand up for what you think is important"; and Toni Ann Nichels, an employment attorney at Xerox who is pro bono coordinator of the legal department and for 11 years has advised up to 60 nonprofits on employment matters: "I feel I'm helping a tremendous amount of people because the nonprofits are serving a lot of folks in turn."

Creativity and vision: Richard Greenberg of the Office of Appellate Defenders set up the country's first combined direct service re-entry program and indigent appellate practice; matrimonial attorney Barbara King of Tully Rinckey established the Modest Means Program, where attorneys in the Capital Region offer legal services at low rates for those with modest incomes; New York University School of Law's Immigration Law Clinic created a model program where students take on individual clients and advocacy projects that include filing amicus briefs in the U.S. Supreme Court.

A willingness to partner with agencies and in-house attorneys to harness more resources: Daniel Hurteau of Nixon Peabody created a partnership with GE in-house lawyers where the team handles matters ranging from family law to evictions to Social Security benefits and appeals. He says, "There are people you can help with such minimum effort. You can help them achieve things that they could never, ever achieve on their own."

A modesty about their contributions and a fundamental belief that they are merely doing what good lawyers do: Valerie Bogart, an elder law expert at Selfhelp, said her satisfaction comes from working "on behalf of the poorest clients, those living on \$800 a month in SSI income, and helping them maximize their benefits"; Sarah Cave of Hughes Hubbard & Reed, a securities and bankruptcy partner who has developed an expertise in immigration, said the difference between a "positive result and a negative result is often the presence of a lawyer. Making sure even those who can't afford it get the best representation is essential to the system working properly"; and Jamie Dyce of Duane Morris, a trust and estates attorney who represents girls who have been victims of sex traffickers said, "A lot of people ask me why I am doing this. When you see these kids, that's all the reason you need."

For those who question whether they can translate the skills they've honed in their practice area to an immigration or SSI case, the Lawyers Who Lead by Example have the answer. Yes! Donald Curry, an intellectual property partner at Fitzpatrick, Cella, Harper & Scinto who heads the firm's pro bono committee has established practice groups in predatory lending, family law, veterans assistance and criminal appeals and personally works with a range of clients, including a woman who was facing foreclosure. "I knew nothing about dealing with banks on foreclosure matters, but if it happened to my family, I'd figure it out."

No story about pro bono in New York is complete without acknowledging the fundamental, vital role played by myriad bar groups and public interest law agencies. The profiles of our honorees demonstrate how these groups stay alert to the needs of their clients from the granular to the global, and work hand-in-hand with private attorneys and in-house counsel.

They organize training sessions, provide handbooks and mentoring, supervise individual cases and work in partnership with the private bar.

These groups make it easy to become part of the solution.

Listen to Todd Norbitz, who leads the pro bono committee of Foley & Lardner's New York office and has boosted the firm's commitment to 3,000 hours last year, up from 400 hours in 2005: "Sometimes, all it takes is getting someone started. Lawyers ask good questions, like where do I go, how do I get a case. I'm a real estate lawyer and don't know anything about asylum cases. The agencies understand this. They have programs ready to train you and cases ready for you to handle."